

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,  
Plaintiff,

vs. CASE NO. 05-CV-00329-GKF SAJ

TYSON FOODS, INC., et al.,  
Defendants.

DEPOSITION OF GARY STANSILL  
TAKEN ON BEHALF OF THE DEFENDANTS  
ON APRIL 8, 2009, BEGINNING AT 8:30 A.M.  
IN TULSA, OKLAHOMA

APPEARANCES:

On behalf of the PLAINTIFF:

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REPORTED BY: Laura L. Robertson, CSR, RPR

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STIPULATIONS

It is stipulated that the deposition of GARY STANSILL may be taken on the APRIL 8, 2009, pursuant to agreement and in accordance with the Oklahoma Discovery Code before Laura L. Robertson, CSR, RPR.

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1 THE VIDEOGRAPHER: This deposition of Gary  
2 Stansill, taken in the matter of the state of Oklahoma  
3 versus Tyson Foods, et al. It is being heard before  
4 the U.S. District Court for the Northern District of  
5 Oklahoma, Case Number 05-CV-00329-GKF-SAG.

6 It is being held at 100 West 5th Street in  
7 Tulsa, Oklahoma, on the 8th of April, 2009. We are on  
8 record at 8:48 a.m. My name is Stephen Carns, I'm the  
9 videographer, the court report is Laura Robertson.

10 Counsel please introduce yourselves and your  
11 affiliations, and the witness will be sworn.

12 MR. WALKER: Todd Walker with Faegre &  
13 Benson representing the Cargill defendants.

14 MR. MIRKES: Craig Mirkes for Peterson  
15 Farms.

16 MR. CHADICK: Buddy Chadick for George's,  
17 Incorporated.

18 MR. GREEN: Pat Green for the State of  
19 Oklahoma.

20 WHEREUPON,

21 GARY STANSILL,  
22 after having been first duly sworn, deposes and says  
23 in reply to the questions propounded as follows,  
24 to-wit:

25 BY MR. WALKER:

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1 Q. Mr. Stansill, my name is Todd Walker, we met  
2 for the first time this morning. First I would like  
3 to be sure I address you correctly. Do you prefer  
4 Mr. Stansill, Officer Stansill?

5 A. Well, Mr. Stansill will be fine.

6 Q. Okay. Would you please state your full name  
7 for the record.

8 A. It is Gary Lee Stansill, S-T-A-N-S-I-L-L.

9 Q. Mr. Stansill, have you ever been deposed  
10 before?

11 A. Once before.

12 Q. How long ago was that?

13 A. Oh, it has been, I want to say probably  
14 about five years ago.

15 Q. Let me just review some of the basic ground  
16 rules to help the process go efficiently today. You  
17 are under oath, although we are in an informal setting  
18 in a conference room, your testimony needs to be just  
19 as truthful as it would be in front of a judge; okay?

20 A. Yes.

21 Q. I will be asking you a series of questions  
22 today, and others will get an opportunity to ask you  
23 questions as well. We have a court reporter here  
24 taking down all of the things that we say. And so it  
25 is important to do a couple things so that we get a

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1 good record.

2 One is to be sure that you give audible  
3 responses rather than nodding your head, shaking your  
4 head, okay?

5 A. Yes.

6 Q. And the other is, and you're doing a good  
7 job so far is to wait until I finish my question  
8 before you begin delivering your answer, so we are not  
9 talking over one another and I of course need to do  
10 the same and do my best to wait for your answer to  
11 finish before I start with my next question; okay?

12 A. Yes.

13 Q. If you need a break at any time, I'm happy  
14 to accommodate you, just let me know. The only thing  
15 that I ask is that if there is a question pending that  
16 you go ahead and deliver an answer to that question  
17 and then we can take a break; okay?

18 A. Sure.

19 Q. The court reporter has marked as Exhibit 1 a  
20 copy of the subpoena. Are you familiar with that  
21 document?

22 (Defendant's Exhibit 1 marked for  
23 identification)

24 A. Yes.

25 Q. Can you tell me what it is?

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1           A.    This is the subpoena I was served for the  
2           appearance today.

3           Q.    Did you notice on this subpoena that it  
4           commanded that you produce any documents relevant to  
5           this case?

6           A.    Yes, it does.

7           Q.    Did you bring any documents with you today?

8           A.    I did bring. I brought some 1099 forms, is  
9           the only documents that I have in regards to this.  
10          The rest of them were turned over, turned in.

11          Q.    We will ask about documents. Where are  
12          those 1099s, sir?

13          A.    I have them with me in my pocket.

14          Q.    Okay. I will take those now if you don't  
15          mind handing them over and we might use them later on.  
16          I will make copies of these and get them back to you  
17          at a break; okay?

18          A.    Okay.

19          Q.    Did you do anything to prepare for your  
20          deposition today?

21          A.    No, other than I met with the attorneys for  
22          the state briefly, and that was the only thing that I  
23          have done.

24          Q.    When did you meet with the attorneys for the  
25          state?



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1 A. I believe it was last Tuesday or last  
2 Wednesday, I don't recall which day it was. One of  
3 those two days.

4 Q. And who did you meet with?

5 A. I can't remember his name.

6 Q. Mr. Garren?

7 A. Yes.

8 Q. Anybody else that you recall?

9 A. No, there was some other attorneys in the  
10 room, and I don't remember their names, I'm sorry.

11 Q. Were there other investigators meeting with  
12 you at the same time?

13 A. Yes, there were.

14 Q. Who was in that meeting with you?

15 A. In that meeting I believe there was Steve  
16 Steele, Tim Jones, I believe Rod Hummell was there,  
17 and Jack Walton.

18 Q. Jack Walton. How long did the meeting last?

19 A. It probably didn't last 30, 45 minutes.

20 Q. What was discussed in that meeting?

21 A. This upcoming deposition, and just wanted,  
22 you know, a reminder of what, you know, what our  
23 obligations were, as far as what we were hired to do,  
24 stuff like that.

25 Q. This was a 30 to 45 minute meeting; right?

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1 A. Just about.

2 Q. I would like you to tell me as much as you  
3 can recall about what Mr. Garren said in that meeting  
4 to you.

5 A. Well, you know, he reminded us that we  
6 weren't trained as to any, you know, during our  
7 investigation, we weren't enforcing any laws, we  
8 weren't even trained on any laws, as far as waste  
9 application or stuff like that, or that stuff.

10 So that was primarily the focus of that, is  
11 that, you know, that we weren't -- our job of course  
12 and we knew that at the time was not to -- and we  
13 weren't trained in the laws as it applies to the  
14 application of litter or waste.

15 Q. Is that the first time that you had been  
16 given that instruction and had that discussion with  
17 Mr. Garren or anybody with the state of Oklahoma?

18 A. Yes. I mean, I'm surprised they even  
19 brought that up, because they brought that up in case  
20 it was brought up at the deposition today.

21 Q. And did you understand a reason why they  
22 needed to bring that up?

23 A. Well, I think they were just speculating  
24 what may be brought up by the attorneys for the  
25 poultry industry.

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1 Q. Did Mr. Garren or anybody else in that  
2 meeting suggest any particular kinds of testimony you  
3 may need to give?

4 A. No. I'm sorry, they did suggest, as far as  
5 the documents, they did say we, you know, that we  
6 advised them that the only documents that I had in  
7 regards to this was possibly the 1099s, and they said,  
8 yes, to bring those.

9 Q. Did you say anything in that meeting?

10 A. Yes, but I couldn't -- it might have to do  
11 with the 1099s and the documents. I think that was  
12 it. We told them that, you know, we don't have any of  
13 these, any of the documentation. Of course, that was  
14 all turned in. And if we were asked about it. So  
15 that was one of the questions I had. And they  
16 suggested -- I said the only thing that I do have  
17 would be like the 1099s, and they suggested I bring  
18 those.

19 Q. Was it Mr. Garren that was talking about,  
20 that was reminding the investigators, telling the  
21 investigators that you weren't there to enforce any  
22 laws, and that you weren't trained on any laws?

23 A. Yes, just reminding us that, you know, in  
24 case it was brought up, that we weren't trained in  
25 regard to that aspect.

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1 Q. Other than that discussion and what you told  
2 me about the discussion of 1099s and paperwork, what  
3 else did Mr. Garren talk about that day?

4 A. He just advised that there would be one of  
5 their attorneys would be present during this.

6 Q. And what else in that course of that  
7 half-hour, 45 minute meeting did Mr. Garren talk  
8 about?

9 A. I think that's just about the gist of it.  
10 That's all that I can remember about it. It was a  
11 pretty informal meeting and didn't last very long.

12 Q. Okay. Did you talk with Mr. Steve Steele in  
13 the last day?

14 A. No.

15 Q. You didn't talk with him last night?

16 A. No.

17 Q. Didn't talk with him this morning?

18 A. No.

19 Q. Did you talk with anybody who told you about  
20 anything that occurred in Mr. Steele's deposition  
21 yesterday?

22 A. No.

23 Q. Since that meeting last week, which you said  
24 was Tuesday or Wednesday, have you had any other  
25 discussions or meetings with anybody regarding this

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1 case?

2 A. No.

3 Q. Could you tell me your educational  
4 background, please.

5 A. I have got a bachelor of science degree in  
6 criminal justice from the University of Tulsa.

7 Q. When did you get that degree?

8 A. 1974.

9 Q. And I would like to hear about your work  
10 history after college.

11 A. Well, in 1974 I joined Tulsa Police  
12 Department, went into the academy in August of '74,  
13 and graduated three months later and been employed  
14 ever since with the city of Tulsa Police Department.

15 Q. Are you currently employed by the city of  
16 Tulsa Police Department?

17 A. Yes, sir.

18 Q. What is your rank or title now with the  
19 Tulsa Police Department?

20 A. I'm a sergeant.

21 Q. And what -- do you have any assignment or  
22 specialty, particular area of responsibility at the  
23 Tulsa Police Department?

24 A. Yes. I'm a, currently I'm the supervisor of  
25 the sex crimes unit within the detective division.

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1 Q. If you could, please, just briefly summarize  
2 your career at the Tulsa Police Department, beginning  
3 in 1974 when you started there and what your role was  
4 and how that evolved over the course of time until you  
5 have gotten to your position today. Can you do that,  
6 Mr. Steele did a great job in about a minute and a  
7 half, and I had everything.

8 So if you can give that a stab, I would  
9 appreciate it.

10 A. I don't know if I could do as good of a job  
11 as Mr. Steele did on his deposition. Of course you  
12 start as a patrol officer. After a year of patrol  
13 work, I worked inside a unit called services division,  
14 where you did time during dispatch work and worked the  
15 jail. Following that year, went back out to patrol.

16 I worked probably three more, about three  
17 years in patrol. About that time I did about a year  
18 in what they call the report office. That's where  
19 people, you take reports over the phone. Probably  
20 went back to patrol for a few years.

21 Q. If you can, as you go along, if you can  
22 remember a year for a particular transition and maybe  
23 the more recent ones are going to be easier, but that  
24 would help as well; okay?

25 A. Okay. In probably about 1986 or '87, I did

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1 four years in the fugitive warrant squad, went back to  
2 patrol for about a year. And then 1986, I went into  
3 the detective division.

4 Q. I'm just confused. I thought you said  
5 1986 --

6 A. It would have been, you're right, I'm sorry.  
7 The fugitive warrant squad would have been like in  
8 1982, '81, '82.

9 Q. Then you went back to patrol for --

10 A. Went back to patrol for about a year.

11 Q. Okay.

12 A. Then I went into the detective division in  
13 1986. I'm certain about the '86 date.

14 Q. Okay.

15 A. And went into the detective division in  
16 1986. I served my role as what they call CIC, crime  
17 information where we did a variety of work, one of  
18 which was like court liaison and I worked obscene  
19 harassing phone calls for about a year.

20 Following that year in about 1987, I began  
21 working sexual assaults. At that time it was under  
22 the juvenile squad, the sex crimes were under the  
23 juvenile squad. And I remained as an investigator for  
24 the sex crimes until 1996. I was promoted to  
25 sergeant, and I did a year in patrol as a field

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1 supervisor.

2 Then I think it would have been '97 I came  
3 back into detective division as a supervisor in the  
4 child crisis unit. Child crisis unit deals with  
5 sexual/physical abuse.

6 I remained there until August of 2001, and  
7 then I came, moved back to the sex crimes unit as a  
8 supervisor. And I have been there since that time.

9 Q. So all told, 35 years of police experience;  
10 uh?

11 A. 35 come August.

12 Q. Congratulations, I'm sure the city  
13 appreciates your service. I live in Denver, so I have  
14 to rely on others.

15 In the course of these various rolls that  
16 you have served for the city of Tulsa Police  
17 Department, can you tell me what your investigative  
18 specialties are, if you have any?

19 A. Well, obviously it is in sexual assaults  
20 right now, and I would also say maybe interview and  
21 interrogations.

22 Q. Did you do any interviews or interrogations  
23 in the course of your work in this case?

24 A. No.

25 Q. Is it fair to say that you have not in the



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1 course of your work or training or education been  
2 trained on environmental issues?

3 A. That would be correct. Well, with the  
4 exception of HAZMAT training that we have, hazardous  
5 material training that we would have in regards to our  
6 police function.

7 Q. Have you ever received any training in the  
8 course of your work and experience and education in  
9 agricultural environmental issues?

10 A. No, sir.

11 Q. Do you have any background, in terms of  
12 where you were raised or whatever circumstance in  
13 agriculture?

14 A. No.

15 Q. Didn't grow up on a farm?

16 A. No, sir.

17 Q. Never lived on a farm?

18 A. No, sir. I lived close to farms, but never  
19 on one.

20 Q. Over the last 35 years, have you generally  
21 lived in the city of Tulsa?

22 A. No. Actually, I lived for about 12 years  
23 out in Inola, Oklahoma. It was a small addition that  
24 covered, you know, surrounded by rural.

25 Q. It was a neighborhood that was built?

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1 A. Yes.

2 Q. And I take it then you don't have any  
3 experience other than the work that you have done in  
4 this case with regard to the poultry industry?

5 A. That's correct.

6 Q. When did you first hear about the  
7 possibility of working on this assignment?

8 A. Well, Steve Steele approached me on this,  
9 and he said he was, had been talked to in regards to  
10 doing some investigative work in the Illinois River,  
11 Illinois Watershed. And that was, I guess in 2005  
12 when I started.

13 Q. And were you interested in doing the work?

14 A. Well, I mean we looked -- I looked at it as  
15 being a possibility of an extra job, which we do quite  
16 often, and I told him I would entertain the, you know,  
17 entertain it.

18 Of course, he didn't know how many hours it  
19 would take, days or, you know. So as it turned out,  
20 obviously we did some work for him.

21 Q. Were you partnered up with anybody in  
22 particular for the work that you did?

23 A. I rode mostly with Steve Steele. I think  
24 almost exclusively.

25 Q. As best you can -- well, you started -- so

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1       you started in 2005; right?

2             A.     I believe it was, yes.

3             Q.     We have got documents that indicate you were  
4       working on this project back in 2005.

5             A.     Right.

6             Q.     Did you do any work in 2006 on this project?

7             A.     Yes.

8             Q.     How about 2007?

9             A.     Yes.

10            Q.     Did you do any work in 2008?

11            A.     Yes. I need -- for every year that I have  
12       got a 1099, would be the years that I did. And I  
13       think 2008 would be the final one.

14            Q.     What was the hourly rate you were paid for  
15       this work?

16            A.     Well, the ending rate was -- I think it was  
17       \$37 an hour. Before that, it started out at being,  
18       and sir, I apologize, but I just cannot remember the  
19       hourly rate. But I want to say it was maybe \$27 an  
20       hour. It started out, you know, it got up to like --  
21       I think it was 35 or \$37 an hour ended up being the  
22       final rate.

23            Q.     Okay. So you started around \$27 an hour?

24            A.     I want to say that. You know, I may be  
25       mistaken on that, but that's going to be about right.

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1 It could have been as much as \$30 an hour, but I don't  
2 recall the jump being that big of a jump between the  
3 point where it is \$37 an hour.

4 Q. Were you using your personal vehicle for any  
5 of this work?

6 A. Oh, yes.

7 Q. And so did you get mileage on top of that?

8 A. I didn't use my personal vehicle, because I  
9 rode with Steve Steele most of the time. So Steve  
10 would have been the one that would have applied for  
11 any mileage on that.

12 Q. Would you agree that all told, the 1099s  
13 that you have accurately reflect the income that you  
14 got for your work in this case?

15 A. Yes.

16 Q. And who was paying you?

17 A. Lithochemia.

18 Q. And did you have a written contract with  
19 Lithochemia or anybody else for this work?

20 A. No.

21 Q. Did you -- you didn't have a contract with  
22 any of the lawyers in this case, Mr. Garren's firm?

23 A. No. I never had any written contract. The  
24 only thing that I signed was at the time was a form  
25 stating that we wouldn't be discussing this, the

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1 issues.

2 Q. Some sort of privacy agreement?

3 A. Yes.

4 Q. Confidentiality agreement?

5 A. Yes, yes, sir. Thank you.

6 Q. And you signed that -- who presented that to  
7 you?

8 A. I don't remember which of the attorneys it  
9 was. It was one of the attorneys.

10 Q. Did you have any contract with Mr. Steele to  
11 provide services to this operation?

12 A. No. Just verbal. I mean, we just verbally  
13 did this.

14 Q. And were you in fact paid for all of the  
15 time you spent, or was there any circumstance where  
16 you went unpaid for work that you have done?

17 A. No, I have been compensated for all of the  
18 work.

19 Q. Were you paid for your time today?

20 A. Not with -- not with them, no. The only  
21 compensation I have is the check I received from your  
22 firm.

23 Q. You received a witness fee check for this?

24 A. Yes, witness fee check.

25 Q. Have you ever done any work for Steele

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1 Investigations and Research, LLC?

2 A. Just this. This is the only work I have  
3 done with Steve on this.

4 Q. And I want to make what is probably more of  
5 a lawyer's distinction than one that you care about.  
6 Steve Steele testified yesterday that he did all of  
7 this work as an individual. Are you aware that he  
8 also has a company called Steele Investigations and  
9 Research, LLC?

10 A. Yes.

11 Q. Was it your understanding that you were  
12 working with Steve as an individual or were you  
13 working in any way for his company, Steele  
14 Investigations and Research, LLC?

15 A. Well, since I was being compensated from  
16 Lithochemia, I was actually working for them. But  
17 Steve was -- would receive I guess instructions or  
18 information and relay that to me and say, you know, we  
19 have got some work if you are interested in certain  
20 days.

21 So I wasn't paid by Steve, I was paid by  
22 Lithochemia.

23 Q. So you were working for Lithochemia?

24 A. Yes.

25 Q. Okay. Who was supervising this group of

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1 investigators that was doing this work?

2 A. Steve would -- Steve Steele would have been,  
3 I guess viewed upon as being the supervisor, and that  
4 we would receive instructions from.

5 Q. Who else did you in particular receive  
6 instructions from in the course of doing your work in  
7 this case?

8 A. Primarily Steve Steele, and maybe there  
9 might have been a little bit from Rod Hummell, but I  
10 think exclusively it was Steve Steele.

11 Q. Was it your understanding that Steve Steele  
12 was supervising all of the investigators that were  
13 doing the work on this case?

14 A. Yes.

15 Q. And your understanding that Steve Steele was  
16 the primary point of contact with the state's  
17 representatives and with Lithochemia?

18 A. Yes.

19 Q. Fair to say that Steve Steele, among all of  
20 the investigators that were doing the work, Steve  
21 Steele would have the most knowledge of the overall  
22 operation of this investigation project?

23 A. Yes.

24 Q. Given that, if you were to encounter a  
25 question that you didn't know about but that Mr. Steve

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1 Steele knew about and testified to yesterday, you  
2 would defer to his testimony?

3 A. Yes.

4 Q. Can you describe generally what this  
5 particular project and assignment entailed for you?

6 A. Sure. It was the going out into the  
7 Illinois Watershed and trying to document with the use  
8 of photographs and video the application of poultry  
9 waste, the land application of poultry waste.

10 Initially, at one point we started out doing  
11 an inventory, you might say, of the poultry barns in  
12 the Illinois Watershed. And we relied primarily off  
13 of aerial photos and maps, where we would try to find  
14 the poultry barns, whether they appeared to be active  
15 or not, and what poultry firm that they would be  
16 associated with.

17 There was usually a sign, you know, on their  
18 property, and we would take a photo of that, and  
19 document whether we thought it was active or not  
20 active.

21 Q. Other than looking for instances of land  
22 application of poultry litter and looking for barns,  
23 did you have any other main tasks in this assignment?

24 A. Well, other tasks would involve if there  
25 were any, you know, litter that was exposed to the



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1 elements, any poultry that would be exposed, you know,  
2 deceased poultry.

3 Q. Dead birds?

4 A. Dead birds. That was primarily our job  
5 function.

6 Q. Were you told why you were looking for  
7 litter that was exposed to the elements?

8 A. Well, the obvious reasons for the suit was  
9 the, we were told that, you know, the lawsuit by  
10 Mr. Edmondson in regards to the overapplication of the  
11 poultry -- the basis of the lawsuit, I would say we  
12 were made aware of.

13 Q. And who told you about the basis of the  
14 lawsuit?

15 A. That would be the attorneys.

16 Q. Do you remember who in particular? Was it  
17 Mr. Garren?

18 A. I think Mr. Garren was one of the ones that  
19 were present at the initial meeting. I couldn't tell  
20 you the name of the other attorneys that were there.  
21 But that was, you know, we were informed that was the  
22 basis of our work.

23 Q. Are you familiar with an attorney named  
24 Lewis Bullock?

25 A. Yes.

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1 Q. Do you remember him giving you instructions  
2 like that?

3 A. No. I knew through Mr. Steele that Lewis  
4 Bullock was involved as one of the attorneys in this  
5 suit, but I have never dealt with him directly, and I  
6 don't think he was at the initial meetings that we had  
7 with any of them.

8 Q. Have you ever met Mr. Bullock?

9 A. I'm familiar with Mr. Bullock's appearance  
10 because I have seen him on media. I know what he  
11 looks like.

12 Q. Fair to say that you really didn't have any  
13 direct interaction with him in this case?

14 A. That would be correct.

15 Q. You used a term in describing your work that  
16 I want to ask you about. You used the term poultry  
17 waste. Where did you get that term?

18 A. Well, that's a term that we have used,  
19 poultry litter, poultry waste, that's been generally  
20 used throughout our employment. And I usually use the  
21 term litter, and sometimes I would use the term waste.

22 But primarily I used the term litter,  
23 poultry litter.

24 Q. When you saw instances of land application,  
25 what was your understanding of the purpose of that

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1 activity?

2 A. Well, I would primarily think that most of  
3 the time it was used for the fertilization.

4 Q. They were fertilizing fields; right?

5 A. They were fertilizing fields. Of course,  
6 you know, of course we had no way of knowing whether  
7 it was to get rid of the litter or was it just to  
8 fertilize. But primarily I was under the assumption  
9 that most of it was used for the fertilization.

10 Q. Did it strike you as odd that somebody who  
11 was using material as fertilizer, that you were told  
12 to call it poultry waste?

13 MR. GREEN: Object to the form.

14 THE WITNESS: I'm sorry?

15 Q. (BY MR. WALKER) You used the term poultry  
16 waste; right, and you don't have any poultry  
17 background; correct?

18 A. No.

19 Q. So you got that term from the state?

20 A. Yes.

21 Q. Did you find it odd that you were taught a  
22 term, poultry waste for something that was being used  
23 as a fertilizer?

24 MR. GREEN: Object to the form.

25 THE WITNESS: No. No. No more odd than I

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1 would use cow manure.

2 Q. (BY MR. WALKER) Do you ever put commercial  
3 fertilizer on your lawn?

4 A. Yes.

5 Q. Do you call that a waste?

6 A. No.

7 Q. Did you receive any training for the  
8 purposes of doing your work in this case?

9 A. No. The only training that I had or we had  
10 at the beginning is a description of what the trucks,  
11 the vehicles that were used in the land application,  
12 the litter application trucks and their description.

13 Prior to that, I had absolutely no knowledge  
14 of any type of process or how litter application was  
15 used.

16 Q. Did somebody show you a litter truck and  
17 show you how one works?

18 A. We had -- we had a photograph of one  
19 initially that we had seen. And I likened it similar  
20 to the trucks used to apply sand, you know, sand and  
21 salt to the streets, similar to that.

22 Q. Like those trucks that you see on the road;  
23 right?

24 A. Yes, sir.

25 Q. Did you ever -- did anybody ever give you an

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1 opportunity with the state to go up and actually see a  
2 litter truck, see how it works, that kind of thing?

3 A. No.

4 Q. So I take it you don't have -- you don't  
5 know how to calibrate a litter spreader?

6 A. Absolutely not.

7 Q. You don't have any knowledge about how to  
8 calculate a rate of application for a litter spreader?

9 A. No.

10 Q. So I gather from that testimony that in the  
11 instances that you saw litter spreading occurring in  
12 these fields, you have no idea what the rate of  
13 application was for any of those; right?

14 A. That's right.

15 Q. Did you receive any training on how to use  
16 the equipment that you were provided for your  
17 investigative work in this case?

18 A. Just through Steve Steele, and of course the  
19 cameras, I had previous knowledge of use of cameras  
20 through working with the police department. But they  
21 are fundamental cameras that I think general knowledge  
22 anyone could use.

23 GPS, I obtained a little bit of knowledge on  
24 the use of GPS.

25 Q. Who showed you how to use the GPS equipment

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1 in this case?

2 A. Well, Steve showed me how to use some of it,  
3 and some of it I learned just from reading the  
4 instructions.

5 Q. You're somebody who will actually read the  
6 instructions for something, uh?

7 A. Only when I have to.

8 Q. What kind of video equipment did you use?

9 A. Well, we had a small video camera, and I  
10 couldn't even tell you the size of the little cassette  
11 tape, but it was a small cassette tape.

12 Q. And in the course of your work, you were  
13 also taking written notes on forms; right?

14 A. Yes.

15 Q. When you were paired up with Mr. Steele, I  
16 understand from his testimony yesterday that one  
17 person typically drove and the other person took the  
18 pictures or did those kinds of things?

19 A. Yes.

20 Q. How did you divide those responsibilities  
21 with Mr. Steele, did he usually drive, you usually  
22 drove, 50-50, how did that work?

23 A. He drove every time. I never drove when I  
24 was paired up with Mr. Steele. And he drove, I was a  
25 passenger, and most of the time, probably I did the

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1 documentation. I would take the photos a lot. He  
2 would take some also, depends on what angle we were at  
3 and stuff.

4 Of course he couldn't take it while he was  
5 driving, and a lot of these photos were taken while we  
6 were moving and stuff. And most of the time, I would  
7 do -- he started out doing some of the documentation,  
8 and then I took over the responsibilities primarily of  
9 writing, making the notes.

10 Q. Whether it was you taking the picture or him  
11 taking the picture, when you were working together, is  
12 it fair to say that you were both observing at the  
13 same time whatever it is that you were there to see?

14 A. Yes, that would be fair.

15 Q. What kinds of documents did you use to  
16 record your observations in this case?

17 A. Well, we had forms that were given to us by  
18 Lithochemia, and it would have on the forms, I guess  
19 they generated the forms themselves. It would have  
20 location, date, time, GPS coordinates, section for the  
21 notes, whether there were photos taken, the number of  
22 photos, and I guess a brief description of the photo.  
23 It has been a while since I saw the form.

24 Q. And I have a copy of some blank ones, we  
25 will go through that as an exhibit. I just want to

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1 get your recollection right now.

2 What did you do with the forms that you  
3 generated at the end of the day?

4 A. Steve took all of the forms, and he would I  
5 guess eventually turn those in to Lithochemia.

6 Q. He took all of the forms that you had;  
7 correct?

8 A. Right.

9 Q. Did you see him take the forms from other  
10 investigators?

11 A. Yes, I have seen him take the forms.

12 Q. At the end of a day or a couple days work,  
13 would you all meet up so that he could get those  
14 forms?

15 A. Yes, there were times we would meet up.  
16 Other times I think he would get the forms separately  
17 when he would meet with the other investigators.

18 Q. On any given day, how did you get your  
19 assignment of what you were going to do on that day?

20 A. Well, we had -- it would be through Steve,  
21 and we generally would meet usually over breakfast in  
22 the morning, and then we would receive our  
23 assignments, or instructions. If it was needed, it  
24 would have been done during that time.

25 Q. What was your understanding of who was



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1 providing the direction as to where to go and what to  
2 do?

3 A. Through Steve, and I guess through  
4 Lithochemia and/or the attorneys.

5 Q. I think I asked this question, but I want to  
6 be sure. You didn't do any interviews of any  
7 witnesses or individuals in the course of your work in  
8 this case?

9 A. No.

10 (Defendant's Exhibit 2 marked for  
11 identification)

12 Q. Mr. Stansill, the court reporter has marked  
13 Exhibit 2 for your deposition, it is three pages long.  
14 Can you, and I would just like to go through this page  
15 by page.

16 A. Sure.

17 Q. Can you tell me what the first form is, what  
18 it was used for?

19 A. I think this form was what was used  
20 initially when we did the inventory of the poultry  
21 barns. This would be the form that was filled out  
22 when I was riding with Steve that he started, he  
23 filled out.

24 Q. So this was -- I'm sorry, go ahead.

25 A. Go ahead.

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1 Q. I didn't mean to interrupt you.

2 A. I think he filled out all of these forms  
3 when I rode with him. This is the particular form  
4 that I think was used during the time that we did the  
5 inventory.

6 Q. Is it your recollection that you did the  
7 inventory work first and then you moved on to the land  
8 application project, or how did that timing work out?

9 A. Well, I don't know that we didn't go out and  
10 look for the land application maybe some. But I think  
11 early on I know we did the inventory. In fact, I  
12 think we did do, looked for some litter application  
13 that I remember the first time I went with Steve, that  
14 was -- that was the purpose the first time I went out,  
15 when it was just he and I.

16 Q. Was to look for land application?

17 A. Yes. You know, just drive the area, and  
18 obviously we didn't know that much what we were  
19 looking for or where to look for it, other than to  
20 look around the locales of where poultry barns would  
21 be.

22 So we just didn't have any knowledge of  
23 this. So we just went driving around in the watershed  
24 area. We did have maps outlining the areas of the  
25 Illinois Watershed and the boundaries.

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1 Q. Were those maps relative to the roads you  
2 were traveling on?

3 A. Yes.

4 Q. They had the roads and then the IRW  
5 boundaries were drawn on it?

6 A. Yes, they had boundaries of the watershed.

7 Q. How big was that map?

8 A. Oh, there was different sizes of maps that  
9 we used, or a series of maps. Sometimes we would have  
10 to refer to a map, for instance, map number 3, because  
11 the map would have been so large, I think we had to  
12 use a series of maps most of the time.

13 Q. Would you agree with me that at times it was  
14 difficult for you to figure out if you were in the  
15 watershed, or outside the watershed?

16 A. Yes, there were times we had to sit down and  
17 figure out where we were with regards to whether or  
18 not we were in the watershed or out of the watershed.

19 So there was times, yes, it was difficult.

20 Q. And is it also true that there were times  
21 that you made observations that you later discovered  
22 were observations of activity outside the watershed  
23 when at the time you thought it was in the watershed?

24 A. That's correct.

25 Q. So the first form, if I have got it right,

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1 is what you used for determining the activity of  
2 whether farms were active or not; right?

3 A. Yes.

4 Q. And whether particular barns were being used  
5 for poultry raising or not?

6 A. Yes.

7 Q. About how many barns do you think you went  
8 and looked at in the course of your work?

9 A. Oh, I don't even know if I could even give  
10 you an estimate on it. I would speculate they were in  
11 the 100s. So I don't even think I could give you a  
12 fair estimate, you know, on the number. 100, 200,  
13 maybe. I don't know.

14 Q. And was there a time that the barn  
15 investigation, the activity investigation, was done  
16 and that you continued on to do your land application  
17 surveillance?

18 A. Yes.

19 Q. When do you recall the activity  
20 surveillance, using this first form was completed?

21 A. It would have been in the year of 2005. I  
22 don't know how long it took us to do the inventory. I  
23 would say we didn't go out every day, we went out like  
24 one or two days a week, and it took I think a couple  
25 weeks, several weeks. Of course, the documents -- you

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1 know, we would have to rely upon the documents.

2 Q. To reflect that?

3 A. Right, right.

4 Q. But the inventory effort was done in the  
5 first year of your work?

6 A. Yes.

7 Q. In 2005?

8 A. Yes.

9 Q. In a matter of, you know, weeks, not months;  
10 right?

11 A. Yes, I believe it was weeks.

12 Q. Might be a month or two or something, but it  
13 wasn't all year long; correct?

14 A. No.

15 Q. In fact, were there certain periods of time  
16 during the year when you did your work and other  
17 periods of time when you did not do this work?

18 A. Yes, primarily in the springtime.

19 Q. What months were you doing this work?

20 A. I think we started as early as March, and  
21 then it would generally wind down to about July.

22 Q. Was there any particular reason that you  
23 were aware of as to why you did your work from March  
24 through July and not at other times of the year?

25 A. Well, it is information that we had learned

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1 that that was the general time of the year for the  
2 application, cleaning of the barns or removing of the  
3 litter from the barns and application because of these  
4 spring rains.

5 Q. Mr. Steele testified yesterday that you  
6 didn't do any work if it was raining. Is that your  
7 recollection as well?

8 A. Right. It had rained on us, but not if it  
9 was going to rain, we wouldn't go out.

10 Q. And you weren't taking pictures or video of  
11 any observations during a rain storm; is that correct?

12 A. Right. I don't recall taking any. If I  
13 did, it would have been at the beginning of a rain or  
14 something like that.

15 Q. And you get in your car and drive off;  
16 correct?

17 A. Right.

18 Q. Fair to say then within the scope of your  
19 work, you did not go and personally observe whether  
20 any rain water was running off of a field or in  
21 contact with a litter pile or anything like that?

22 A. No.

23 Q. That wasn't something that you observed or  
24 something that you went out there to observe?

25 A. No.

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1 Q. In the course of your work, my understanding  
2 is is that you were instructed to at all times stay in  
3 the public right-of-way, public roads, not go on  
4 private property?

5 A. Correct.

6 Q. And that's correct. Did you in fact follow  
7 that rule?

8 A. Yes.

9 Q. So all of the observations that you made in  
10 the course of your investigation were made from the  
11 public right-of-way and not on any private property?

12 A. Right.

13 Q. So you didn't go onto any growers, contract  
14 grower's property in the course of your contract work?

15 A. No, not that we know of. Unless it was  
16 done, it was done inadvertently, because there was  
17 times when a rural road, some of them would end at a  
18 residence. Of course we wouldn't know where it would  
19 end or where it would begin.

20 Of course, we would turn around. We had  
21 strict instructions not to trespass or go on anyone's  
22 property.

23 Q. Because you might have wound up on a private  
24 road?

25 A. It was inadvertent if we did. We avoided

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1 any private property.

2 Q. You didn't get out of your vehicle and walk  
3 across anybody's fields; correct?

4 A. No, that's correct.

5 Q. Didn't do any of that kind of investigation  
6 or inspection; right?

7 A. That's correct.

8 Q. So I take it you didn't take any soil  
9 samples of any fields?

10 A. That's correct.

11 Q. You didn't take any samples of any piles of  
12 material, whether suspected litter pile or otherwise;  
13 right?

14 A. That's correct.

15 Q. You didn't take any water samples in the  
16 course of your work, did you?

17 A. No.

18 Q. Were you tasked with observing any sampling  
19 activity?

20 A. No.

21 Q. Were you also instructed not to engage, talk  
22 with any of the growers in this case?

23 A. Right.

24 Q. The farmers; correct?

25 A. Right.



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1 Q. Did you talk with any growers in this case?

2 A. I didn't talk. Steve may have talked with  
3 some growers in some of his jobs, I believe he did.  
4 But I never talked with any, no.

5 Q. And we asked Mr. Steele questions yesterday  
6 about whatever discussions he may have had with  
7 growers, and I'm just asking you about your experience  
8 today.

9 A. Right.

10 Q. So you did not talk with any growers in this  
11 case; right?

12 A. Well, there was a grower that we did talk to  
13 that was not in the watershed, that Steve, and I  
14 cannot recall his name. It was around the Grand Lake  
15 area, around Jay, Oklahoma.

16 Q. I think Mr. Steele testified yesterday about  
17 that.

18 A. Yes.

19 Q. And you were with him?

20 A. I was with him, yes.

21 Q. Other than that discussion, did you have any  
22 discussions with any growers in the IRW?

23 A. No, sir.

24 Q. And the one discussion that you were present  
25 for was with a grower outside the IRW?

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1 A. That's right.

2 Q. Did you have any understanding why it was  
3 that you were instructed not to engage or talk with  
4 any growers during the course of your work?

5 A. Well, I think primarily we just didn't want  
6 to have any type of altercations or anything like  
7 that, you know. Just so there wasn't any  
8 confrontations.

9 Q. Why would you suspect there would be a  
10 confrontation that would occur if you talked with a  
11 grower?

12 A. Well, I don't know that there would be, you  
13 know. So we just didn't want to have, take that  
14 chance of having any confrontation. But I don't know  
15 that we had -- it wasn't part of our task, you know,  
16 it didn't involve with what we were assigned to do.

17 Q. Would you agree given the limitations that  
18 you could only observe things from public roadways,  
19 would you agree that you would have been able to get a  
20 lot more information about what any particular grower  
21 was doing if you were to go up and talk with them and  
22 get access to their farm?

23 A. Certainly.

24 Q. And you were denied the opportunity to do  
25 that in every instance; correct?

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1           A.    Well, we weren't denied.  We just weren't  
2   tasked with doing that.

3           Q.    I mean the state told you not to do that;  
4   right?

5           A.    Right.

6           Q.    We were talking a little bit ago about the  
7   period of time that you were doing your work and that  
8   you'd finished the inventory work in 2005.  Did you  
9   begin the land application survey work, investigative  
10  work in 2005 as well?

11          A.    Yes.

12          Q.    Is that the kind of work that you were doing  
13  in 2006, in 2007 and 2008?

14          A.    Right.

15          Q.    In 2008, I notice from your 1099 forms that  
16  you did relatively little, little work; correct?

17          A.    Right.

18          Q.    Do you recall exactly what it was you were  
19  doing in 2008?

20          A.    No.  I know I went out once with Steve in  
21  the Tahlequah area on one occasion to -- Steve had the  
22  task to try to locate a particular area where litter  
23  application could have occurred based on some  
24  readings, results from some water.

25                So we were looking at an area where the

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1 possibility of litter could have been applied. That  
2 was that particular -- I believe that would have been  
3 late 2008, not the springtime.

4 And I believe there was a time we went out  
5 where, it could have been one of these times where I  
6 rode with Steve, and we were looking for wells, or we  
7 had documentation of where wells were, and talking to,  
8 or Steve primarily would talk to the people and ask  
9 them if they wanted their wells tested. Yes, that was  
10 the testing of the water wells.

11 Q. That was in 2008?

12 A. That could have been in 2008.

13 Q. Mr. Steele yesterday testified about this  
14 particular Tahlequah investigation that you and he  
15 went and did. And I think I can fairly summarize his  
16 testimony as saying that you went and investigated,  
17 but you never saw any instances of land application,  
18 weren't able to identify any particular instance of  
19 land application in that area.

20 Is that what you recall as well?

21 A. Yes, sir, it is.

22 Q. What was your understanding of why you and  
23 Mr. Steele were talking with people about having their  
24 wells tested?

25 A. Well, it was understanding to see -- my

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1 understanding, to see if there is any evidence that  
2 the litter could have permeated or seeped down into  
3 the wells underground. That was my understanding.

4 Q. Did you come across any people that allowed  
5 the testing of their wells?

6 A. Yes. We come across some people that  
7 informed Steve that they would be, they would allow  
8 the testing.

9 Q. Were there also people that said they didn't  
10 want their water tested?

11 A. I believe there were.

12 Q. But you and Mr. Steele didn't do any of the  
13 testing?

14 A. No.

15 Q. You didn't collect any of those samples;  
16 right?

17 A. That's correct.

18 Q. You were just there to see if they were  
19 interested in having their water tested, and if they  
20 were, you would pass that information on?

21 A. Correct.

22 Q. To Lithochemia?

23 A. Yes.

24 Q. Did you ever hear anything about what the  
25 results of that testing was?

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1 A. No.

2 Q. I would like to go back to Exhibit 2, and we  
3 were talking a little bit about the first form, and I  
4 would like to ask you some more particular questions  
5 about the first form.

6 You said that Mr. Steele filled out most of  
7 these; right?

8 A. That's right.

9 Q. But you filled out some of them, didn't you?  
10 I don't know if that's the case. I was just asking.

11 A. I don't know, I may have.

12 Q. Did you know how to use the form?

13 A. He filled out most all of these forms, I  
14 believe. If there is some that's got my handwriting  
15 or signature on it, obviously I did, but I don't  
16 recall filling out these forms. I think Steve filled  
17 out most all of these.

18 Q. Was it your understanding that the purpose  
19 of making the observations that are asked of this  
20 form, the physical condition of the structure, the  
21 physical plant components, the observed activity and  
22 the other category was to gather facts to assess  
23 whether a particular barn or farm was actively  
24 operating?

25 A. Yes.

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1 Q. And that's what each of these, that was the  
2 purpose of making each of these observations on the  
3 form that is the first page of Exhibit 2?

4 A. That was my understanding.

5 Q. What is your understanding of what covered  
6 litter/cake storage is, which I will just note is  
7 roughly in the middle of the page on this form?

8 A. My understanding would be like a covered  
9 shed, something that would have a roof on it, but it  
10 would be covered.

11 Q. What is your understanding of what stacked  
12 used litter/cake is, as stated on this form?

13 A. That would be the covered litter/cake  
14 storage is what you're referring to?

15 Q. Actually, just below that, there is a  
16 category for other on the form, and it says the first  
17 entry under other says, "Stacked used litter/cake."  
18 Do you see that?

19 A. Uh-huh.

20 Q. You do?

21 A. Are you referring to here, where it says,  
22 "Other stacked used litter, cake?"

23 Q. Exactly. And I'm asking you, what is your  
24 understanding of what stacked used litter/cake is  
25 intended to mean on this form?

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1           A.    Well, other than just the litter that was  
2    taken out of the barns and then placed in a, either in  
3    a facility or just stacked out in the open, or placed  
4    out in the open.

5           Q.    Okay. And the next entry says, "Stacked new  
6    litter." What is your understanding of what that is?

7           A.    Well, if it appeared to be more recent than  
8    the previous litter. Oh, I'm sorry. That could be  
9    the stacked new litter could I think refer to the  
10   material used to be put into the barns.

11          Q.    The shavings or the bedding?

12          A.    The shavings and, yes, the bedding.

13          Q.    And does it make sense to you that for the  
14   purpose of this form that would be important to know,  
15   because if there was stacked shavings, new litter  
16   going into a barn, that would be a sign of activity?

17          A.    Yes.

18          Q.    What was the purpose of identifying whether  
19   there was litter odor?

20          A.    Well, to see, I guess help identify the  
21   presence of litter.

22          Q.    For the purpose of determining if the farm  
23   is active or not?

24          A.    Yes.

25          Q.    And how about poultry sounds?



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1           A.    Well, same thing. I think it was used as --  
2           sounds we would associate with poultry, that it would  
3           be an active.

4           Q.    If you could turn to the next page of  
5           Exhibit 2, please, and identify that form for me, if  
6           you can.

7           A.    I think it was used in conjunction with the  
8           other form.

9           Q.    The other form being the first form?

10          A.    Yes.

11          Q.    The first page of Exhibit 2?

12          A.    Right.

13          Q.    Do you recall filling out the form that is  
14          the second page of Exhibit 2?

15          A.    No, because of the fact that the top portion  
16          is similar to some of the forms that I later used, but  
17          not the bottom portion. I think here again that Steve  
18          Steele primarily filled out these. Of course, here  
19          again if there is any that has got my signature, then  
20          obviously I did fill them out.

21                But primarily Steve filled out most of these  
22          forms as I rode with him and I helped him navigate the  
23          area.

24          Q.    Were there times that you and Mr. Steele  
25          were making observations while you were actually

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1 rolling, while you were moving?

2 A. Yes.

3 Q. And Mr. Steele was the person who was doing  
4 all of the driving; right?

5 A. Right.

6 Q. So there were times that Mr. Steele,  
7 whenever you were driving, whenever you were moving,  
8 he wasn't able to write anything on these forms, was  
9 he, while he was driving?

10 A. No, of course not. We would stop somewhere  
11 and he would fill out -- we would fill out these  
12 forms.

13 Q. Were there occasions when you and Mr. Steele  
14 would fill out the forms at the end of the day?

15 A. No, they were all filled out usually within  
16 the time frame of our observations, or shortly  
17 thereafter. You know, we may find a place to stop and  
18 fill out the form.

19 But they weren't filled out at the end of  
20 the day, because obviously, you know, we couldn't  
21 recall all of that. So they were filled out within  
22 the time frame, within a short time frame of our  
23 observations.

24 Q. So if there was an observation and you were  
25 moving and Mr. Steele couldn't fill out the form, he

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1 would just fill it out at his next opportunity?

2 A. Right.

3 Q. When you stopped?

4 A. Right. And sometimes there were occasions  
5 where we could stop, you know, we may stop on the road  
6 there for a short time and fill out -- most of the  
7 time we would pull off somewhere where we could pull  
8 off, a business or something like that.

9 MR. WALKER: We have been going about an  
10 hour. I think it would be a good time to take a  
11 break. Is that okay?

12 THE WITNESS: Sure.

13 (Short break)

14 Q. (BY MR. WALKER) Mr. Stansill, before we  
15 took a break, we were talking about forms in Exhibit 2  
16 and I was asking you about the second page, and I  
17 think you indicated that you thought it was kind of  
18 used in combination with the first page of Exhibit 2;  
19 right?

20 A. Yes. Or it might have been another form  
21 that was used later. But I think it was used in  
22 conjunction with the first form.

23 Q. All right. Mr. Steele testified yesterday  
24 that the first page of Exhibit 2 was the first  
25 generation form, and then eventually you started

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1 getting bound books that had the second page of  
2 Exhibit 2 for that purpose. Do you have any reason to  
3 disagree with that?

4 A. No. His memory of events I think would be  
5 much better than mine.

6 Q. Would you say that that is true generally?

7 A. I would say.

8 Q. The third form, if you can tell me what the  
9 purpose of that form was, if you recognize it?

10 A. This is a form I'm more familiar with. This  
11 is the one that was generated and used when we, our  
12 observations, any observations for that matter that we  
13 wanted to document, but generally used for the litter  
14 applications.

15 Q. And did you actually fill out these kinds of  
16 forms?

17 A. Yes, sir.

18 Q. Is there a reason that you didn't fill out  
19 the forms when you were doing the inventory work, but  
20 you were filling out the forms when you did the land  
21 application work?

22 A. I think after a while Steve realized I could  
23 be doing some more work, and I think that's how that  
24 came about. So he let me start filling out some of  
25 these forms.

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1 Q. Okay. At any time in the course of your  
2 work in generating paperwork, generating videos,  
3 photos, any of the evidence that you were gathering in  
4 this case, at any time did you destroy, throw away,  
5 get rid of any of the evidence that you gathered?

6 A. No.

7 Q. What did you do in every instance with the  
8 evidence that you gathered?

9 A. All given to Steve Steele.

10 Q. Do you know who Burton Fisher is?

11 A. Yes.

12 Q. Tell me who Burton Fisher is?

13 A. He, as I understand it is the owner of  
14 Lithochemia. It was the firm that was being I guess  
15 used by the attorneys to do scientific work.

16 Q. Did you ever meet Mr. Fisher?

17 A. Yes.

18 Q. Did you have a chance to talk with him?

19 A. Yes.

20 Q. How many times?

21 A. Oh --

22 Q. Frequently or rarely, or what?

23 A. Probably rarely. I don't think I have seen  
24 or talked with Bert any more than maybe five times,  
25 you know, when I was with Steve; and there would be a

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1 time that we would meet with Bert.

2 Q. In every instance were you with Mr. Steele  
3 when you met Mr. Fisher?

4 A. Yes.

5 Q. Do you recall the purpose of any of those  
6 conversations with Mr. Fisher?

7 A. Oh, no.

8 Q. Nothing remarkable?

9 A. No.

10 Q. Are you aware that Mr. Fisher wrote an  
11 expert report in this case, wrote a report?

12 A. No.

13 Q. Are you aware that he wrote a report that  
14 included his conclusions and observations relating to  
15 the investigative work that you and the investigation  
16 team did?

17 A. No, I'm not aware of it.

18 Q. So I take it he didn't give you an  
19 opportunity to review any of the facts or conclusions  
20 that he stated in relation to the work that you did?

21 A. That's correct.

22 Q. I think I know the answer to these  
23 questions, but I want to ask them anyway, given your  
24 testimony and lack of agriculture experience and lack  
25 of experience in the poultry business.

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1 But do you have any personal knowledge of  
2 the way in which the poultry business is run as  
3 between integrators and the growers?

4 A. I think I gathered a vague amount of -- you  
5 know, some knowledge in our dealings over time with  
6 this, a little bit of knowledge on it. Whether it is  
7 accurate or not, I don't know. Just stuff that we had  
8 learned during this process.

9 Q. Are you familiar with how the integrators  
10 and growers contract for grower's services?

11 A. I would say vaguely.

12 Q. What do you know about that?

13 A. Well, the only thing, my understanding is  
14 that the, the big companies, Tyson and Peterson,  
15 whatever, would furnish, would bring I guess the  
16 chickens, and that they would be raised. At some  
17 point they would be taken back. About the feed, you  
18 know, they would use, my understanding, that they  
19 would use the feed associated with the integrator.

20 Q. Is that about the extent of your knowledge?

21 A. Pretty much.

22 Q. Of how the integrator and grower  
23 relationship works?

24 A. Pretty much. There is some contractual  
25 agreement that they would raise them and then at some

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1 point, I don't know whether it would be sold back or  
2 given back to the integrator.

3 Q. Have you ever reviewed one of those  
4 contracts?

5 A. No, sir.

6 Q. Do you have any personal knowledge about  
7 what is required to care for poultry and to raise  
8 poultry?

9 A. No.

10 Q. Do you have any personal knowledge about  
11 litter management practices and procedures that  
12 farmers use?

13 A. No.

14 Q. Do you have any personal knowledge about  
15 practices that poultry farmers use in managing dead  
16 birds and mortality?

17 A. No. The only thing that we, of course,  
18 observed during our observation, there would be  
19 sometimes that we would see incinerators that we  
20 assumed would be used for that, the knowledge that  
21 they would use the incinerators to dispose of the  
22 deceased birds.

23 Q. Do you have any knowledge of how a  
24 composting process works for handling mortality?

25 A. No.



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1 Q. Are you familiar with, aware of any  
2 differences in how chickens versus turkeys are raised?

3 A. No.

4 Q. Are you familiar or have any information  
5 about what the composition, the chemical composition  
6 and make up of litter is?

7 A. No.

8 Q. Have you ever received any environmental  
9 scientific training?

10 A. No.

11 Q. Do you have any background in chemistry?

12 A. High school.

13 Q. Do you have any understanding of the  
14 scientific issues involved in the fate and transport  
15 of chemicals or bacteria in the environment?

16 A. No.

17 Q. We talked a little bit about how you were  
18 provided with maps and information to guide the  
19 locations that you needed to go to for the inventory  
20 project.

21 I would like to ask the same kinds of  
22 questions about how you were directed to identify  
23 possible land application sites. How was that work  
24 directed, as far as identifying the sites that you  
25 would go to?

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1           A.    Well, the areas within the watershed, just  
2   the areas that contained the poultry barns.  And  
3   that's what, primarily the area we concentrated in,  
4   was the area that had the most concentration of  
5   poultry barns.

6           Q.    Did you see instances where land  
7   applications activities were occurring on land that  
8   was not associated with a poultry barn?

9           A.    Yes.

10          Q.    Well, on farm land as opposed to a poultry  
11   growing facility; right?

12          A.    Right.

13          Q.    Was that a fairly common observation of  
14   yours?

15          A.    Yes, it was.

16          Q.    Was part of your assignment to follow  
17   vehicles that were hauling litter, or what you  
18   suspected to be litter?

19          A.    Yes.

20          Q.    Did you have occasion to encounter those  
21   vehicles?

22          A.    Yes.

23          Q.    Did you at times follow them and find that  
24   they drove out of the watershed?

25          A.    Yes.

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1 Q. Did you continue to follow them those times?

2 A. Generally not. There might have been one or  
3 two occasions where we seen where they would end up.  
4 Usually what I associated to be a farm.

5 Q. Outside the watershed?

6 A. Outside of the watershed.

7 Q. And would you stick around to see if they  
8 were land applying that litter outside the watershed?

9 A. No. Generally not. Here again, there might  
10 have been an occasion where that might have happened,  
11 but there was no purpose in it, so we -- generally we  
12 didn't do that.

13 Q. I think Mr. Steele testified yesterday that  
14 there were occasions that he followed litter trucks  
15 going out of the watershed and went as far as 20, 30  
16 miles or more. Do you recall that as well?

17 A. Oh, yes.

18 Q. Are you familiar with a company called BMPs?

19 A. I have heard of -- BMP?

20 Q. BMPs, Inc.

21 A. Yes.

22 Q. What do you know about BMPs, Inc.?

23 A. I think this is what is a land litter  
24 application management is what I understand it to be.

25 Q. Did you ever, do you recall having seen

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1 trucks bearing the name BMPs on them?

2 A. I don't know if I saw the name BMP. You  
3 know, here again if it has been documented in our  
4 reports, then we did. But it is my understanding that  
5 was a land application management, litter application  
6 management company.

7 Q. Do you have any specific recollection of  
8 observing any activities that BMPs was engaged in?

9 A. Not directly.

10 Q. I asked you a general set of questions  
11 earlier about the fact that you didn't have any  
12 contact with growers in the IRW, do you remember that?

13 A. Yes.

14 Q. And you said that you did not; correct?

15 A. That's correct.

16 Q. I want to just be sure that I asked some  
17 very particular questions that I think I know the  
18 answers that will follow, but I want to get them on  
19 record; okay?

20 A. Okay.

21 Q. Is it fair to say that you did not do any  
22 investigation to evaluate how any grower's property  
23 had been used historically?

24 A. That's correct.

25 Q. You didn't do anything to evaluate the

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1 history of the commercial --

2 A. I'm sorry?

3 Q. You didn't do anything to evaluate the  
4 history of commercial fertilizer use on any property?

5 A. No.

6 Q. You didn't do anything to evaluate the  
7 history of land application of poultry litter on any  
8 particular property?

9 A. No.

10 Q. You didn't do anything to investigate the  
11 history of land ownership for any particular property?

12 A. No.

13 Q. You didn't do anything to investigate the  
14 history of cattle production for any property?

15 A. No.

16 Q. In the course of your work, did you make any  
17 effort to identify and catalog where cattle were  
18 grazing and present?

19 A. No, only if it was present during the  
20 application of litter. We may have documented, I know  
21 there were observations where there were cattle in  
22 fields where, some occasions I think there were cattle  
23 in fields where we observed litter application.

24 Q. So to the extent that you observed cattle in  
25 fields, it was incidental to your observations of land

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1 application?

2 A. Correct.

3 Q. Fair to say that the state of Oklahoma or  
4 Mr. Fisher or Lithochemia never asked you to go and  
5 try and inventory where cattle were located in the  
6 IRW?

7 A. That's correct.

8 Q. And they didn't ask you to inventory where  
9 horses were located in the IRW?

10 A. No, sir.

11 Q. They didn't ask you to inventory anything  
12 regarding stream bank erosion observations in the IRW?

13 A. No.

14 Q. They didn't ask you to investigate any  
15 discharges from any water treatment plant in the IRW?

16 A. No.

17 Q. Over the course of all of the driving around  
18 that you did in the IRW, did you have an opportunity  
19 to see a lot of cattle there?

20 A. Yes.

21 Q. See a lot of horses there?

22 A. Oh, I wouldn't say I saw a lot of horses. I  
23 probably saw more cattle than we did horses.

24 Q. Did you happen upon cattle walking around in  
25 water and streams, ponds, anything like that?

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1 A. Oh, yes.

2 Q. Did you endeavor to document any of that  
3 kind of activity?

4 A. No.

5 Q. It wasn't in your scope of work, was it?

6 A. No.

7 Q. During the course of your efforts to observe  
8 land application, did you take the opportunity in any  
9 case to measure the distance from which land  
10 application was happening to any waterbody?

11 A. We didn't go out and measure. We might have  
12 made note that there would be a body of water nearby,  
13 or close to a field in our notes.

14 Q. But you didn't have an opportunity to go  
15 measure how far that activity would have been, because  
16 you would have had to go onto private property; right?

17 A. That's right.

18 Q. Did you do anything to evaluate the geology  
19 of the land that was involved for land application in  
20 any instance?

21 A. Not generally. We may have observed or  
22 made -- there could have been notes in the slope of  
23 the land and which direction it may have been sloping,  
24 if it was towards a particular body of water.

25 There might have been some documentation on

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1 that aspect of it, but not -- it was probably -- if it  
2 was done, it was done rarely.

3 Q. Where slopes were involved and observations  
4 of slopes were involved, did you ever take, make any  
5 effort to measure the grade of any of the slopes that  
6 you saw?

7 A. No.

8 Q. I think you testified earlier, you didn't  
9 take any samples in the course of your work, did you?

10 A. No.

11 Q. And you didn't do anything in the course of  
12 your work to establish whether or not there was any  
13 runoff from any field that you observed; correct?

14 A. Correct.

15 Q. Did you do anything to determine how much  
16 land was available in the IRW for cattle and grazing?

17 A. No.

18 Q. Did you do anything to evaluate recreational  
19 uses of the waters in the IRW?

20 A. No.

21 Q. Did you ever recreate in the IRW, in the  
22 water?

23 A. Not in a long time. It has been years since  
24 I have floated the Illinois River. But I recreate up  
25 on Grand Lake, that's where I --



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1 Q. Boating?

2 A. Yes. I have a small lake house that we have  
3 up there on Grand.

4 Q. You and Mr. Steele both, uh?

5 A. Real close.

6 Q. You guys probably have played some cards  
7 once in a while, I guess?

8 A. Yes.

9 Q. Your job over the course of the last 35  
10 years of working for the city of Tulsa Police  
11 Department is to be familiar with the laws of  
12 Oklahoma. Is that a fair statement?

13 A. Criminal laws, yes.

14 Q. Based on the knowledge of laws that you have  
15 obtained in the course of your work, did you see any  
16 violation of law by any poultry grower or integrator  
17 company?

18 MR. GREEN: Object to the form. Go ahead.

19 THE WITNESS: No.

20 Q. (BY MR. WALKER) Do you believe you have an  
21 obligation to report a violation of law if you see  
22 one?

23 A. Well, if it is a -- if it resorts to the  
24 level of felony, I believe, yes, if we saw a felony  
25 violation, a robbery or some felony.

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1 Q. Did you report any of the activities that  
2 you observed in the course of your investigatory work  
3 to any state agency in this case?

4 A. No.

5 Q. Did you hear of any other investigator in  
6 this case reporting any activity observed in the  
7 course of their work to any state agency?

8 A. No, I have no knowledge of it.

9 Q. Other than Mr. Steele, who did you ride  
10 around with in the scope of your work?

11 A. I rode with Steele almost exclusively. On  
12 one occasion I rode with Rod Hummell. I believe on  
13 just one occasion. But, just with Steve.

14 There were times I rode with Mike Nance,  
15 when Steve and Rod would be up in an airplane, and  
16 then I would then team up with Mike Nance for a very  
17 short time. That might have happened like maybe one  
18 or two occasions.

19 Q. What was your understanding of why Mr.  
20 Steele was going up in the airplane?

21 A. Well, they were going up to generally just,  
22 for the same reason we were driving around, to get a  
23 better observation of any litter application, and then  
24 it could be communicated to us on the ground.

25 Q. Mr. Steele said that he would go up there

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1 and try and see if he could spot activity of interest  
2 and then send the field teams to those locations by  
3 using a radio. Is that what you recall?

4 A. Yes.

5 Q. Is it fair to say in the course of your  
6 work, when you were out there to make observations,  
7 you took efforts not to be seen by the property owners  
8 whose property you were looking at?

9 A. Yes.

10 Q. Why didn't you want to be seen?

11 A. Well, the same reason we didn't want to have  
12 any type of confrontation. And I know there is  
13 some -- excuse me.

14 MR. WALKER: We can ask the question again.  
15 Let's stop, I know that you have a phone call you have  
16 to take. So let's take a quick break.

17 (Short break)

18 Q. (BY MR. WALKER) You were in the middle of  
19 delivering an answer a moment ago, and maybe I will  
20 just have the court reporter read the question back  
21 that you were attempting to answer.

22 (Record read)

23 Q. Now that my memory has been refreshed, let  
24 me just ask the question again.

25 In the course of doing your investigatory

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1 work and observations, why is it that you didn't want  
2 to be seen by the people whose land you were  
3 surveilling?

4 A. It isn't so much we didn't want to be seen,  
5 we just didn't want to, people to realize what we were  
6 doing, because we didn't know that there would be  
7 efforts -- I can't say that there would be efforts,  
8 but in case there would be efforts to conceal or try  
9 not to be seen, as far as any type of land  
10 application.

11 And also, we didn't want any confrontation  
12 from any of the property owners. If they may have  
13 some feelings, you know, with regards to general  
14 knowledge of the lawsuit, there could be some ill  
15 feelings, as far as some of the growers or property  
16 owners in regards to this lawsuit. Did I --

17 Q. Is it fair to say in the course of the  
18 police work that you have done that you surveil people  
19 that you suspect to be engaged in some kind of  
20 improper activity?

21 A. Yes.

22 Q. That's not the case for this assignment, is  
23 it?

24 A. No.

25 Q. The people that you were surveilling were

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1 engaged in ordinary farming activities and perfectly  
2 lawful activity as far as you could tell; correct?

3 A. As far as I know.

4 (Defendant's Exhibit 3 marked for  
5 identification)

6 Q. Mr. Stansill, the court reporter has marked  
7 Exhibit 3, and there are a number of pages that I have  
8 put together, I will represent to you are put together  
9 from the forms that I could identify and my colleagues  
10 could identify that you may have been involved in the  
11 observations made; okay?

12 A. Okay.

13 Q. And we will go through these page by page.  
14 On the first page of Exhibit 3, do you recognize the  
15 handwriting?

16 A. I just recognize the signature at the  
17 bottom.

18 Q. Is that Mr. Steele?

19 A. Yes.

20 Q. And I also can tell you that I think Mr.  
21 Steele is also on all of these forms. And I will  
22 maybe be able to shorten things up a little bit  
23 because I already asked him about all of these forms.

24 But one thing I didn't ask Mr. Steele  
25 yesterday is that the first page of Exhibit 3 is a

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1 form that is not like the forms that we looked at in  
2 Exhibit 2. Do you agree with that?

3 A. Yes.

4 Q. Can you tell me, but it also appears to me  
5 to have been premarked with a page number and a team  
6 identification. Do you see that?

7 A. Uh-huh.

8 Q. Can you describe for me what form this  
9 document came in for the use of the investigators?

10 A. I don't know if this is a form that Steve  
11 generated or that he used from Lithochemia. I would  
12 speculate -- well, I'm not going to speculate. But it  
13 may have been an early form.

14 Q. Just not sure what --

15 A. No, I'm not.

16 Q. -- form it was generated in?

17 A. Correct.

18 Q. If you could for me, please, just flip  
19 through all of the pages in Exhibit 3, and if you come  
20 to one that has your handwriting on it, let me know.

21 A. You would know it because it is hard to read  
22 it.

23 Q. I have got the same kind of handwriting.

24 A. Okay. On page --

25 Q. They have page numbers in the bottom right.

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1 A. Bottom right, would this be page 31?

2 Q. Actually, below -- there is a lawyer stamped  
3 number on --

4 A. Would that two digits be 09?

5 Q. Is it 12709?

6 A. Yes, sir.

7 Q. Okay. So that's OK-PL-0012709; right?

8 A. Right.

9 Q. That is your handwriting on that form?

10 A. That would be all of it.

11 Q. All of it?

12 A. Yes.

13 Q. How about the next form, 12731?

14 A. That's also my writing.

15 Q. That's very good handwriting, I don't know  
16 what you're talking about. I can read that.

17 Okay. So of all of the pages in Exhibit 3,  
18 it is the last two that have your handwriting?

19 A. Yes.

20 Q. Let's go back to the first page of Exhibit  
21 3. At the bottom of the page, it indicates an  
22 observation of the Earl Bishop farm for Cargill, do  
23 you see that?

24 A. Yes.

25 Q. It says, "Litter photographed in a shelter

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1 at Earl Bishop farm, paren, Cargill;" right?

2 A. Yes.

3 Q. Is there any improper activity noted on that  
4 form?

5 MR. GREEN: Object to the form.

6 Q. (BY MR. WALKER) Did you observe any  
7 improper activity at that Cargill location, or the  
8 Bishop farm location that day?

9 MR. GREEN: Object to the form.

10 THE WITNESS: Well, I wouldn't know what  
11 would be improper or what wouldn't, as far as any type  
12 of -- you know, I wouldn't know if it was improper or  
13 not.

14 Q. (BY MR. WALKER) Let me --

15 A. Go ahead.

16 Q. No, I didn't want to cut you off.

17 A. You know, one of our instructions was to  
18 photograph any type of exposed litter, or this was  
19 litter in a shelter. So, no, I don't know of any  
20 knowledge of anything improper here.

21 Q. So to be sure I understand your testimony,  
22 are you saying that you don't see anything improper  
23 that was documented for the observations of Earl  
24 Bishop's farm?

25 A. Well, right. I don't know that what would



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1 be constitute -- what would be constituted as being  
2 improper or not in regards to the litter, storage or  
3 application.

4 Q. I will ask you this question, maybe it will  
5 save us a lot of time. If Mr. Steele testified  
6 yesterday as to any of these documents, if his  
7 testimony was that nothing improper was noted, do you  
8 have any reason to disagree with his testimony?

9 A. No, I wouldn't.

10 Q. I noticed in looking at documents that  
11 investigators, and I think including yourself,  
12 sometimes made observations of tire tracks in fields.  
13 Do you recall that?

14 A. Yes.

15 Q. Do you recall doing that?

16 A. Yes.

17 Q. What to you was the significance of tire  
18 tracks in fields?

19 A. Well, we associated many times with the tire  
20 tracks if there was also some other indications of  
21 some recent land application of litter, you know, the  
22 tracks, the tire tracks from the vehicle would be  
23 still imprinted in the grass. We may observe some  
24 feathers or even have odors on it.

25 There were, of course, times when some of

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1 the tire tracks could have been with vehicles used to  
2 cut hay.

3 Q. And I was going to ask you that. I mean,  
4 you acknowledge the fact that tire tracks can be made  
5 in a field for a number of reasons other than land  
6 application of litter?

7 A. Yes.

8 Q. And is it fair to say that unless you  
9 actually saw a litter truck driving through the field,  
10 you would have no way to confirm that land application  
11 had occurred just based on tire tracks?

12 A. Well, just based on tire tracks, if that was  
13 the only observations.

14 Q. You might have other information that might  
15 indicate to you that land application had occurred,  
16 but again you couldn't confirm that without actually  
17 seeing a truck in the field; right?

18 A. Right.

19 Q. I also noticed, I think in some of your  
20 forms and others, statements regarding overapplication  
21 of litter. Do you recall documenting statements like  
22 that?

23 A. Yes.

24 Q. Do you have any agricultural background to  
25 be able to make an assessment one way or another of

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1 how much fertilizer to apply to a field?

2 A. No, other than just my general knowledge of  
3 fertilization. You know, if I overfertilize my yard  
4 or don't water it, then it will burn the grass, what  
5 appears to be burned.

6 So other than that, I would have no other  
7 knowledge.

8 Q. So based solely on color, you might make  
9 some observation that you concluded it was  
10 overapplication; right?

11 A. Right.

12 Q. But unless you had direct knowledge of how  
13 much fertilizer was applied, when, under what  
14 conditions, is it fair to say that you really can't  
15 make that assessment of whether overapplication  
16 occurred or not?

17 A. Right.

18 Q. And you can't fairly say that there was  
19 overapplication of fertilizer just because the grass  
20 looks very green?

21 A. No.

22 Q. You would agree that might actually be  
23 evidence of a proper application of fertilizer, having  
24 nice green grass?

25 A. Yes.

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1 Q. That's kind of the point of what we try and  
2 do at home, isn't it?

3 A. Yes.

4 Q. I noticed in one of your documents, I don't  
5 think I need to make it an exhibit, maybe you just  
6 remember. Do you recall making an observation of what  
7 you initially thought to be a litter pile and turned  
8 out to be a pile of hay?

9 A. That could have happened.

10 Q. You agree that there was an opportunity for  
11 making mistakes about what it was if you saw a pile of  
12 material, because of the fact that you were on a  
13 public road, and could only see what you could see  
14 from whatever distance you were; right?

15 A. Certainly.

16 Q. And so you in many cases just gave your best  
17 guess as to what you were looking at, but didn't have  
18 any opportunity to actually go out there and touch and  
19 feel and look at right up front the material; correct?

20 A. Correct.

21 Q. Did the state of Oklahoma, the lawyers,  
22 Mr. Fisher, ever tell you that poultry litter is a  
23 hazardous waste?

24 A. No, no. They have never gave us any  
25 instructions or anything like that that stated that

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1 poultry litter is a hazardous waste, no. That wasn't  
2 our concern at the time we did our observations and  
3 stuff.

4 Q. And you have had some training in hazardous  
5 waste transportation and those kinds of things; right?

6 A. Yes.

7 Q. Are you familiar with what personal  
8 protective equipment is in the context of hazardous  
9 materials?

10 A. Yes.

11 Q. It is gloves and coveralls and a respirator  
12 if you need it, those kinds of things to protect you  
13 from being exposed to any bad chemicals or something  
14 in the environment; right?

15 A. Right, environmental suits.

16 Q. Did the state of Oklahoma give you any of  
17 that type of equipment for you to use in the course of  
18 your work?

19 A. No.

20 MR. GREEN: Object to the form.

21 Q. (BY MR. WALKER) Did the state of Oklahoma  
22 warn you about the possibility that you could be  
23 exposed to bad bacteria from poultry litter in the  
24 course of your work?

25 MR. GREEN: Object to the form.

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1 THE WITNESS: No.

2 Q. (BY MR. WALKER) If the state of Oklahoma  
3 thought that poultry litter was a hazardous waste or  
4 that it could contain a bad bacteria that might harm  
5 your health, would you expect that they have an  
6 obligation to tell you that?

7 MR. GREEN: Object to the form.

8 Q. (BY MR. WALKER) In the course of your work?

9 A. If it was something that I would be exposed  
10 to during the course of my work, I would expect them  
11 to tell me.

12 Q. Are you aware that Mr. Steele -- were you  
13 there when he got hit with litter coming off of a  
14 poultry spreader?

15 A. Well, we were exposed to litter -- I would  
16 call it litter dust or stuff that come off of the  
17 trucks, yes.

18 Q. So you were actually exposed to litter?

19 A. Yes, sir.

20 Q. And the state of Oklahoma never cautioned  
21 you or warned you about any health hazards from being  
22 exposed to litter?

23 A. No.

24 Q. But if there were truly health hazards and  
25 the state of Oklahoma believed that to be the case,

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1 you would expect them to protect you in the course of  
2 your work; right?

3 MR. GREEN: Object to the form.

4 THE WITNESS: I would have expected them --  
5 yes, I would expect to let them know if I was directly  
6 exposed to litter, if there was a hazard to my health,  
7 I would want to know about it, yes.

8 Q. (BY MR. WALKER) I think I'm just about done  
9 and I know you need to make a phone call here. Let me  
10 just be sure that I capsulized a few of the statements  
11 or my understanding anyway of what your testimony has  
12 been about today.

13 You didn't set foot on a single grower's  
14 property in the course of your work; correct, inside  
15 the IRW?

16 A. Not that -- not to my knowledge.

17 Q. Okay. You didn't walk across any fields?

18 A. No.

19 Q. You didn't talk to any grower in the IRW;  
20 correct?

21 A. Correct.

22 Q. You didn't talk to any company  
23 representative for any of the integrators in the  
24 course of your work, did you?

25 A. No.

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1 Q. You didn't run a single test on any material  
2 that you saw being spread on the land; correct?

3 A. Correct.

4 Q. You didn't take a single field soil sample  
5 of any of the fields in the IRW, did you?

6 A. No.

7 Q. And you didn't observe any runoff or take  
8 any samples of any runoff of water from any field;  
9 right?

10 A. Right.

11 Q. You didn't investigate the extent or  
12 location of cattle operations in the IRW; correct?

13 A. Correct.

14 Q. And you didn't investigate the location and  
15 function of any septic systems in the IRW, did you?

16 A. No.

17 Q. And you didn't see any illegal activity by  
18 any grower or integrator in the IRW; correct?

19 MR. GREEN: Object to the form.

20 THE WITNESS: Well, I wouldn't know if that  
21 would be, in what regards, do you mean criminal  
22 activity?

23 Q. (BY MR. WALKER) Any activity that you  
24 understood to be illegal?

25 A. No.



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1 Q. You did not see any of that kind of  
2 activity?

3 A. I wouldn't know -- excuse me. I wouldn't --  
4 if it was illegal in regards to -- if it was in  
5 regards to criminal activity, I didn't see any, no.

6 Q. And you didn't report any activity that you  
7 saw in the course of your work to any state agency?

8 A. That's correct.

9 MR. WALKER: I think I'm done. It is 5 to  
10 11:00. Is this an appropriate time for to you make  
11 the phone call that you needed to make?

12 THE WITNESS: Yes.

13 MR. WALKER: Let's take a short break so I  
14 can look at my notes and we will come back and finish  
15 up.

16 (Short break)

17 Q. (BY MR. WALKER) Mr. Stansill, I just have  
18 another couple questions. Are you aware that there  
19 are people who operate businesses in the Illinois  
20 River Watershed for the purpose of hauling litter and  
21 land applying litter?

22 A. Yes.

23 Q. In the course of your investigations and  
24 observations, did you make any attempt to talk with  
25 the driver of any litter truck, hauling truck, or the

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1 driver of any litter spreading truck to determine who  
2 it was that they were and who they worked for?

3 A. No.

4 Q. Did you do anything in the course of your  
5 investigations where you saw land application  
6 occurring to verify who actually owned the land where  
7 you saw the application?

8 A. No.

9 MR. WALKER: I don't have any further  
10 questions. I will pass the witness.

11 DIRECT EXAMINATION

12 BY MR. MIRKES:

13 Q. Hello, sir, my name is Craig Mirkes, we met  
14 earlier and I represent Peterson Farms in this matter.  
15 What I'm going to do is I'm just going to go through  
16 my notes and ask questions that I have marked, so we  
17 are going to kind of skip around just a little bit.

18 Earlier you testified that you signed a  
19 confidentiality agreement with respect to this case;  
20 is that correct?

21 A. That's correct.

22 Q. Is that confidentiality agreement still in  
23 effect, to your knowledge?

24 A. As far as I know, it is in effect.

25 Q. Have you talked to anybody about this case

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1 other than the attorneys?

2 A. Well, no.

3 Q. You testified earlier that you had met with  
4 one grower, spoken to one grower outside of the  
5 watershed. Does the name Barney Barnes ring a bell to  
6 you?

7 A. I believe that is his name.

8 Q. And you testified that you were at that  
9 meeting with Mr. Steele?

10 A. Yes.

11 Q. Was anyone else at that meeting?

12 A. No.

13 Q. Just you and Mr. Steele?

14 A. Yes.

15 Q. Do you remember what was discussed?

16 A. No, I don't. I think Mr. Steele had the  
17 questions or the information, and I was just with him  
18 at the time.

19 Q. Do you know who Chuck Shipley is?

20 A. I'm sorry?

21 Q. Chuck Shipley, Charles Shipley, do you know  
22 that name?

23 A. It is not ringing a bell right now.

24 Q. How about Randy Miller?

25 A. Yes.

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1 Q. You do know -- was Randy Miller there that  
2 day you went and met with Barney Barnes?

3 A. No.

4 Q. Bert Fisher with you?

5 A. No.

6 Q. You testified earlier about going out with  
7 Mr. Steele and documenting and speaking to owners of  
8 water wells?

9 A. Yes.

10 Q. Who tasked you with that job?

11 A. Well, that would have to be -- I'm assuming  
12 it was done through Steve Steele. I mean he came out  
13 with the instructions that, you know, that's what we  
14 were tasked to do for that time.

15 So where he got it, that would be something  
16 you would have to ask Steve. I'm not real sure which  
17 one. It could have been Lithochemia or the attorneys,  
18 I don't have direct knowledge of that.

19 Q. Okay. Do you remember if you made any  
20 documentation of those visits?

21 A. No, I don't. I don't remember if we did or  
22 not. I know we had some documentation as to  
23 locations, but as far as in use of these forms, no, I  
24 don't believe we did.

25 Q. You mentioned earlier you have a house on

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1 Grand Lake; is that correct?

2 A. That's right.

3 Q. Are you -- do you know of any cases dealing  
4 with poultry litter in reference to Grand Lake?

5 A. Not with Grand Lake. I don't know of any  
6 legal.

7 Q. Yesterday with Mr. Steele, we discussed his  
8 visits to the Peterson growers, and he said that he  
9 never saw any improper activity or violations of law.  
10 Do you have anything other than what he has to say  
11 with respect to Peterson Farms?

12 A. No.

13 MR. MIRKES: I have no further questions. I  
14 will pass the witness. Thank you, sir.

15 (Defendant's Exhibit 4 marked for  
16 identification)

17 DIRECT EXAMINATION

18 BY MR. Chadick:

19 Q. Mr. Stansill, my name is Buddy Chadick and I  
20 represent George's, Incorporated. You visited and we  
21 won't go through each visit, several of the George's  
22 farms.

23 Do you recall any inappropriate activity on  
24 the George's farms?

25 A. Any inappropriate activity?

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1 Q. Yes, sir.

2 A. No.

3 Q. On the Exhibit 4, Bates number 12713, would  
4 you read that for me, please.

5 A. This is our form that we use, under the  
6 notes section?

7 Q. Yes, sir.

8 A. It says, "George's Egg Plant field south and  
9 east of plant appears burned from over liquid  
10 application. See page 37 on the reverse." That's not  
11 my handwriting on there.

12 Q. Okay. Was the color of the grass, was that  
13 your observation causing you to give that opinion of  
14 overapplication?

15 A. Yes, sir.

16 Q. Similar to your yard analogy a while ago?

17 A. Right.

18 Q. Okay. And I think if you will turn to page  
19 12753.

20 MR. WALKER: That's the second page of your  
21 exhibit.

22 Q. (BY MR. CHADICK) On the first page of the  
23 exhibit, 12713, is that in the IRW?

24 A. I believe -- I believe it would have been.  
25 I don't think we would have made notification of it if

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1 it hadn't. Of course, I didn't -- other than the  
2 waypoint on it, I wouldn't --

3 Q. Okay. Can you tell me where George's Egg  
4 Plant is, maybe that will help?

5 A. I'm familiar with -- I believe the George's  
6 Egg Plant there near Gentry, that would be south of  
7 Gentry, near the airport.

8 Q. I know where the airport is, but just don't  
9 recall where the egg plant is. How big of a facility  
10 is it?

11 A. It is a large facility. It would be -- it  
12 would be east of the airport.

13 Q. Would that be in Arkansas?

14 A. Uh-huh, Arkansas.

15 Q. It doesn't go far enough to get to the  
16 Oklahoma border, does it?

17 A. I believe -- yes, it was in Arkansas. But I  
18 believe it is George's, you know.

19 Q. And in 12753, the second page, when you  
20 refer to appeared to be burned, are you referring to  
21 the color of the grass, is that what made -- why you  
22 made that observation?

23 A. Yes, sir.

24 Q. And the color of the grass was, what?

25 A. It would be, you know, like a brownish color

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1 as opposed to green.

2 Q. Do you know what type grass was on that  
3 field?

4 A. No.

5 Q. You don't know whether it was bermuda,  
6 fescue? Do you know the difference between bermuda  
7 and fescue?

8 A. Yes.

9 MR. CHADICK: I believe that's all I have.  
10 Thank you.

11 MR. GREEN: I just have a couple of  
12 questions.

13 CROSS EXAMINATION

14 BY MR. GREEN:

15 Q. I think earlier you testified that you don't  
16 have much agricultural knowledge or training,  
17 especially as regards environmental laws?

18 MR. WALKER: Object to the form.

19 THE WITNESS: Right.

20 Q. (BY MR. GREEN) I think earlier you were  
21 asked a question about whether you had seen any  
22 violations of the law at any of these poultry  
23 operations; is that correct?

24 A. Yes.

25 Q. And you answered that it is fair to say that



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1 as far as you know, you didn't see any violations?

2 A. Right.

3 Q. Correct? Based on your limited knowledge of  
4 those environmental laws, your total lack of  
5 knowledge, would you say it is also fair to say that  
6 as far as you know that every one of those  
7 applications you saw could have been violating the  
8 law?

9 MR. WALKER: Object to the form.

10 MR. MIRKES: Object to the form.

11 Q. (BY MR. GREEN) Go ahead.

12 A. As far as I know.

13 MR. GREEN: That's all I have.

14 MR. WALKER: I may have a follow-up question  
15 or two, just give me a moment.

16 MR. MIRKES: Could we talk for just a  
17 moment?

18 MR. WALKER: Let's take one short break here  
19 so we can confer.

20 THE WITNESS: Sure.

21 (Short break)

22 REDIRECT EXAMINATION

23 BY MR. WALKER:

24 Q. I just have a couple follow-up questions,  
25 Mr. Stansill. And one thing that I forgot to do,

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1 which was to make an exhibit the documents that you  
2 brought to this deposition, which are the 1099s you  
3 got from Lithochemia; correct?

4 A. Correct.

5 Q. And those are the documents that you have in  
6 front of you; is that correct?

7 A. That's correct.

8 Q. And they are compensation you received for  
9 the years 2005, 2006, 2007 and 2008 from Lithochemia;  
10 right?

11 A. That's right.

12 Q. And we will have the court reporter mark  
13 those as Exhibit 5, please.

14 Mr. Stansill, are you aware that the state  
15 of Oklahoma has criminal penalties for violations of  
16 certain environmental laws?

17 (Defendant's Exhibit 5 marked for  
18 identification)

19 A. No.

20 Q. In the course of all of the work that you  
21 did in observing the activities at these various farms  
22 and pieces of property, did you see anything that you  
23 believe was an activity that was damaging the  
24 environment?

25 MR. GREEN: Object to the form.

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1 THE WITNESS: Well, here again, as far as --  
2 no, I don't have that kind of knowledge, I don't have  
3 that kind of background. As far as the agricultural  
4 or environmental issues determined whether or not it  
5 would constitute a violation. I know what a  
6 hazardous --

7 Q. (BY MR. WALKER) I'm sorry, go ahead. You  
8 didn't see anything that made you think that there was  
9 an environmental harm going on; correct?

10 A. Not having the knowledge of the background  
11 of that, then no, I could not testify to that.

12 MR. WALKER: I don't have any further  
13 questions.

14 MR. GREEN: Yes, we will read and sign.

15 MR. WALKER: Well, you're not representing  
16 him. You have an opportunity, let me take care of  
17 this. You have an opportunity to review the  
18 transcript that the court reporter is going to prepare  
19 for your testimony today, and you can make corrections  
20 if you feel that there are corrections that need to be  
21 made, or you can just have the transcript produced as  
22 is.

23 Would you like to review the transcript or  
24 would you just like it produced as is and waive.

25 THE WITNESS: I will just have it produced

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1 as is.

2 MR. WALKER: Witness waives.

3 (DEPOSITION CONCLUDED AT 11:22 A.M.)

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## 1 CERTIFICATE

2  
3 I, LAURA L. ROBERTSON, Certified Shorthand  
4 Reporter, do hereby certify that the above-named GARY  
5 STANSILL was by me first duly sworn to testify the truth,  
6 the whole truth, and nothing but the truth, in the case  
7 aforesaid; that the above and foregoing deposition was  
8 by me taken in shorthand and thereafter transcribed;  
9 that the same was taken the APRIL 8, 2009, in the city  
10 of Tulsa, state of Oklahoma, pursuant to notice and  
11 subpoena, and under the stipulations hereinbefore set  
12 out; and that I am not an attorney for nor relative of  
13 any of said parties or otherwise interested in the  
14 event of said action.

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and official seal this 14th of April, 2009.

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22 \_\_\_\_\_  
23 LAURA L. ROBERTSON, CSR, RPR  
24 State of Oklahoma, No. 1594  
25